

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAMON PENUNURI-NORIEGA,

Defendant.

8:18-CR-152

ORDER ON RECONSIDERATION

This matter is before the Court on defendant Ramon Penunuri-Noriega's *pro se* Motions to Reconsider. The first Motion, [Filing 522](#), challenges the Court's May 24, 2024, Order denying his Motion for a Reduced Sentence, [Filing 503](#). The second Motion, [Filing 524](#), challenges the Court's July 2, 2024, Order denying his Motion for Compassionate Release, [Filing 515](#). In both challenged Orders, the Court determined that the relevant factors set forth in [18 U.S.C. § 3553\(a\)](#) did not support the requested reductions. For the reasons stated below, the defendant's Motions to Reconsider are denied.

Although the Eighth Circuit has not yet decided "whether to import the civil motion for reconsideration standard into the criminal context," [United States v. Luger](#), 837 F.3d 870, 876 (8th Cir. 2016), the Court will nevertheless consider the merits of the defendant's Motion. Motions for reconsideration "serve the limited function of correcting manifest errors of law or fact or . . . present[ing] newly discovered evidence." *Id.* (quoting [Bradley Timberland Res. v. Bradley Lumber Co.](#), 712 F.3d 401, 407 (8th Cir. 2013)). Moreover, "a district court's denial of a motion for reconsideration" is reviewed for an "abuse of discretion." [United States v. King](#), 854 F.3d 433, 443 (8th Cir. 2017).

The defendant's Motion to Reconsider fails to identify any "manifest errors of law" and does not "present newly discovered evidence." *See generally* [Filing 522](#). In its previous Orders,

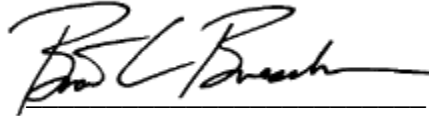
the Court “assess[ed] this particular case and the circumstances that are unique to it” and determined that “the § 3553(a) factors do not support [] a reduction” and that “the originally imposed sentence remains appropriate.” [Filing 503 at 4](#). Because there was no “manifest error” in this determination, and the defendant presented no new evidence that would change the Court’s analysis, the defendant is not entitled to reconsideration on either of the Court’s previous orders. Accordingly,

IT IS ORDERED:

1. The defendant’s first Motion to Reconsider, [Filing 522](#), is denied; and
2. The defendant’s second Motion to Reconsider, [Filing 524](#), is denied.

Dated this 22nd day of October, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge